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AUG 02 2004

In re Application of
Safaei
Application No. 10/660,409
Filed: September 10, 2003
Attorney Docket No. W1200-00041

OFFICE OF PETITIONS
Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed July 19, 2004, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed December 2, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 3, 2004.

The instant petition is accompanied by corrected drawings, a new declaration, and an abstract.

The petition asserts and proves unavoidable delay based on non-receipt of the Notice to File Missing Parts. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee will be credited to petitioner's deposit account.

A fee of \$130 is due for the late submission of a proper oath or declaration. Therefore, \$130 will be charged to petitioner's deposit account.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
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Office of Petitions